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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 VICTOR M FERNANDEZ,

12 Petitioner,

13 v.

14 MIKE OBENLAND,

15 Respondent.

CASE NO. 3:16-CV-06058-RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR: JANUARY 27, 2017

16 On December 29, 2016, petitioner filed a motion for leave to proceed *in forma pauperis*
17 (IFP). Dkt. 1. Petitioner paid the \$5.00 filing fee on December 30, 2016. *See* Dkt. entry dated
18 December 30, 2016. Therefore, the undersigned recommends that the Court deny his IFP motion
as moot.

19 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen
20 (14) days from service of this Report and Recommendation to file written objections thereto. *See*
21 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
22 purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit

1 imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **January 27,**
2 **2017**, as noted in the caption.

3 Dated this 4th day of January, 2017.

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J. Richard Creatura
United States Magistrate Judge

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